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Carol Russell

09/21/2004 11:27 AM

To: Peter Stevenson/EPR/R8/USEPA/US@EPA

cc:

Subject: Fw: American Fork Canyon, Utah

Before I heard from you, I also talked with Bert. I believe Ted Fitzgerald would rather work with you. Will this work for you?

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----- Forwarded by Carol Russell/EPR/R8/USEPA/US on 09/21/2004 11:17 AM -----



Carol

Russell/EPR/R8/USEPA/US

09/20/2004 01:58 PM

To Bert Garcia/EPR/R8/USEPA/US

<TFitzgerald@tu.org>, Andy

cc Lensink/ENF/R8/USEPA/US@EPA, Richard

Claggett/EPR/R8/USEPA/US@EPA, Christine

Lehnertz/EPR/R8/USEPA/US@EPA

Subject Fw: American Fork Canyon, Utah

Dear Bert,

As we just discussed, an RPM or OSC is needed to oversee an innovative project in Utah.

Trout Unlimited (TU) has been able to form a collaborative effort to cleanup a small mining site in Utah, east of Provo in American Fork Canyon. EPA and the Forest Service worked together on the initial PA/SI. Pete Stevenson was the OSC. However, the project was too small in budget constraining times for EPA to do a clean up. The Forest Service completed the tailings consolidation on the Federal land but the private land, covered in mine tailings, was not touched.

TU convinced the landowner, Snowbird Ski Resort, to participate with them in cleaning up the private land.

TU already has some cash in hand and a commitment from Snowbird to provide the labor/manpower at their expense. The full story was in the New York Times a couple of weeks ago: See the attached news story below.

WANTED ALIVE RATHER THAN DEAD:

One creative, innovative person to adopt this project. It has been abandoned by Carol Russell because she is going on a one year detail to TU. Project deliverables will be:

1. Review and comments on an EE/CA already drafted by TU (Note: the engineer that worked for the Forest Service on this project, Ted Fitzgerald, is now the project officer for TU).
2. One model AOC for a mining good samaritan (TU). Andy Lensink is the attorney already working on this project and he is using a model AOC developed by Joni Teter several years ago.
3. One additional model AOC for an innocent landowner (Snowbird).

4. Oversight of the AOC with the State of Utah in one beautiful canyon in the Wasatch Mountains.
5. **Schedule:** First, a field trip with the primary participants should be conducted in October, because of snow. Generally, TU plans to have the AOC completed early this winter, the authorizing documents (EE/CA, etc.) done this winter, and the plans, specs, and contract documents done in time for a removal action to be implemented in the spring of 2005. TU does hope to have someone from EPA excited about the project that has the time to respond as needed to meet the projected schedule for implementation.

Please get back to me at your earliest convenience as I will be going on the detail as soon as the details are worked out on this.

NY Times: Unusual Alliance Is Formed to Clean Up Mine Runoff

Unusual Alliance Is Formed to Clean Up Mine Runoff

By **FELICITY BARRINGER**

Published: August 18, 2004

AMERICAN FORK CANYON, Utah, Aug. 16 - An unusual partnership linking the federal Forest Service, the environmental group Trout Unlimited, the ski resort owners Snowbird Corporation and Tiffany & Company has been created to clean the acidic mine runoff from the American Fork watershed - and perhaps spur similar alliances around the West, where mining waste has polluted the headwaters of 40 percent of all watersheds.

The alliance, to be announced Wednesday, is intended to overcome hurdles that have slowed mine cleanups: the intermingling of public and private land in the most affected areas and the provisions of the Superfund law that make those who work at mine waste sites, whether to re-mine them or clean them, potentially liable for their pollution.

The mine drainage problem is a chronic issue in many Western communities and threatens to worsen the struggles over water supplies as the West's population increases and its six-year drought shows no signs of breaking.

Alliances like the one at this watershed, private executives say, will be increasingly necessary in an era of tight federal budgets.

In the American Fork Canyon and the smaller upland canyons that feed into it, the quaking aspens on the hillsides mask the telltale markings of the geological faults that beckoned late 19th-century prospectors.

Now, the bleached insides of the hills are scattered over their outsides, the nearby streams run rust-colored, and mayflies and the trout that feed on them are scarce. When found, they carry a heavy load of zinc, lead, cadmium and, sometimes, mercury in their flesh.

At one site near the Phoenix and Dutchman Mines, where the waste covers both Forest Service and Snowbird land, the water coming out of an old mining tunnel had lead levels 10 times the federal limit of 3.2 parts per billion; after running over debris it entered the creek below carrying a load of lead 1,000 times greater than the federal limits, said Ted Fitzgerald, a former Forest Service engineer who is spearheading the cleanup for Trout Unlimited.

The mines were dug, one a few hundred or a thousand feet above the other, throughout the watershed - the Dutchman and the Phoenix at lower elevations, the Live Yankee up around 9,500 feet, the Globe near the top of the peaks at 11,000 feet or so.

When he was with the Forest Service, Mr. Fitzgerald, a rangy 59-year-old who was raised in a coal mining family, had spent perhaps \$800,000 on cleanup efforts, including removing the ponds where toxic mine tailings had accumulated, hauling tons of waste rock into a two-acre containment area and covering it with clean soil, rerouting the water around the toxic tailings, and planting vegetation near holding ponds.

The Forest Service cleanup was spurred when tests showed that water in some tributaries of the American Fork had lead contamination above safe limits. The source was not hard to determine. The ruined brickwork of old smelters dots the canyons. The soil near the smelters was contaminated, and the old sites were magnets for all-terrain vehicles, which kicked up clouds of toxic dust.

But some of the waste and the water running through it were on lands belonging to Snowbird. And other mining sites - the Globe Mine and the live Yankee Mine above Mary Ellen Creek - were on private land.

The Forest Service had no authority to extend its cleanup to private holdings; it was negotiating with the Environmental Protection Agency, which had the authority to clean up private lands and showed a willingness to initiate a cleanup at the Globe and Live Yankee mines when the Sept. 11, 2001, attacks diverted the E.P.A.'s attention and resources, Mr. Fitzgerald said. "We had to go back to the drawing board," he said.

His work came to the attention of Trout Unlimited, a fishing group that has been prominent in lobbying on environmental issues. Chris Wood, the conservation vice president of the group, hired Mr. Fitzgerald after the engineer retired from the Forest Service. Trout Unlimited was interested in taking the lead on the part of the cleanup on private land, and enlisted the support of Snowbird.

But the provisions of the Superfund law that ensure that individuals and companies working with toxic materials take responsibility for future pollution were daunting. "We could go in to help out and end up being responsible," said Chris Wood, the conservation vice president for Trout Unlimited. In the end, the group decided that extra liability insurance might be needed.

Michael J. Kowalski, chairman and chief executive of Tiffany, heard about the project and decided to commit \$50,000 a year to assist the partnership from a company fund that was established to finance similar conservation programs. Snowbird is contributing construction equipment and personnel, according to its president, Bob Bonar. The E.P.A. is delegating a staff member with expertise in cleanup to work with the group.

But the American Fork efforts, and similar projects on the Blackfoot River watershed in Montana and the Upper Arkansas River watershed in Colorado, deal with a small fraction of the problem that Mr. Wood calls "the crazy aunt in the attic" of national environmental issues - a problem that does not pose an imminent threat but gets worse with neglect.

The Western Governors' Association has been pushing for action on the issue for several years. Congress has failed to pass legislation that would require the hard-rock mining industry to do what coal companies do and pay into a cleanup fund.

The patchwork nature of land ownership in mining country makes it likely that

public-private partnerships will have to be forged even if such measures become law. "It does require people thinking about partnerships and working differently than we have in the past," said Dale Bosworth, the Forest Service chief. "If you don't clean up the whole thing, you haven't cleaned up anything."

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